

REMARKS

STATUS OF CLAIMS:

Claims 1, 3-11, 13, 15-17, 19, 20 and 22-25 are all of the claims currently pending in this application after entry of the foregoing amendments. Claims 2, 12, 14, 18 and 21 are hereby cancelled. Claims 16, 22 and 25 are allowed. Claims 1-15, 17-21, 23 and 24 are rejected.

CLAIM OBJECTIONS:

The Examiner notes that the word “standard” in claims 1 and 24 should be amended to recite --stranded--. Accordingly, Applicant hereby amends these claims as suggested by the Examiner in order to overcome the objection. Applicant respectfully submits that the amendment was made for clarification of language, and not because of prior art. Therefore, the objection to these claims should be withdrawn.

35 U.S.C. §112:

Claims 1-15 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the Examiner states that “it is not clear one different type of material is respect to which material (sic).” The Examiner’s statement was not completely understood, so the undersigned attorney contacted the Examiner to discuss the same on July 21, 2003.

The Examiner noted that the claim recites “at least one different type of material.” However, he wanted clarification in regard to which material the “different type of material” is being compared. During the teleconference, the Examiner indicated that he understood the recited feature after discussing the case with the undersigned attorney. In particular, the Examiner was advised that a “composite” may be defined as a composition of two or more materials. Claims 1 and 11 recite the composite tape as including fibers of a mesh-type substrate with at least one different type of material. Thus, the “at least one different type of material” is a material that is different than the fibers of the mesh-type substrate. In light of this discussion, Applicant respectfully requests that the rejection be withdrawn.

35 U.S.C. §103(a):

Claims 1, 3-13, 17-21, 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Field et al. (U.S. Patent No. 6,304,699 [hereinafter "Field"]) in view of the material disclosed in the specification on page 5, lines 6-11. Claims 1, 11, 16, 17, 20, 21, 22, 23, 24 and 25 are independent. Applicant respectfully traverses this rejection in view of the following remarks.

EXAMINER'S POSITION:

The Examiner alleges that Field teaches an outer protective sheath and a plurality of stacks of buffer tubes. For the stacks, he asserts that the group of radially positioned buffer tubes 26 form one stack, and the buffer tubes 22 form another stack. He then asserts that an outer protective sheath is provided by elements 34, 50 and 54. The Examiner acknowledges that Field does not disclose an outer protective sheath made from a wound piece of composite tape that includes a combination of fibers of a mesh type substrate with at least one different type of material.

As noted on page 4 of the Office Action, the Examiner indicates that claims 16, 22 and 25 are allowed, and that claims 2, 14 and 15 would be allowable. Accordingly, claims 1 and 11 are hereby amended to respectively include the features of allowable claims 2 and 14 so as to place these claims in condition for allowance.

Claim 18 also includes the recitation of a stack having a triangular shape, but it appears that the Examiner overlooked asserting that this claim would be allowable if rewritten with the features of the base claim incorporated therein. Thus, claim 17 is hereby amended to include the triangular features of claim 18, and should be allowable.

In regard to claim 20, Applicant respectfully submits that the same is patentable based on the recitation of the "outermost" protective sheath being formed from a wound piece of composite material. Field does not show an "outermost" sheath that is formed from such a material, nor is any "outermost" sheath applied from Field. Figure 1 of Field shows the outermost protective sheath as

being element 36, which is a cable jacket made of a PVC material. The Examiner does not apply element 36 against the claimed outermost protective sheath and, further, there is no motivation to form element 36 out of the claimed composite tape. Thus, Applicant respectfully asserts that the alleged combination of Field and the admitted prior art does not teach an “outermost” protective sheath made of a composite tape as recited in claim 20. Accordingly, the rejection should be withdrawn.

Claim 23 describes a method of making an optical fiber configuration including rolling a composite tape to form a buffer tube with an outermost layer including the composite tape. In order to further define claim 23, Applicant hereby amends the same by reciting that the depositing step deposits an optical fiber “directly” onto said tape. Because the individual optical fibers of Field are not placed “directly” on any of elements 34, 50 or 54, this rejection is deemed overcome and should be withdrawn.

Applicant respectfully submits that claim 24 is patentable because Field and the disclosed composite tape fail to teach or suggest an axial member which is centrally positioned, and which is formed from a wound piece of composite tape. The Examiner attempts to make a broad assertion that it would have been obvious to make an axial member of such material; however, the Examiner is stretching the teachings of the references. In particular, Applicant respectfully asserts that one skilled in the art would not have replaced the disclosed solid central member 21 of Field with a wound piece of composite tape. There is no teaching in any of the references that would have indicated any sort of benefit or reason for making such a combination. Accordingly, withdrawal of this rejection is respectfully requested.

To obtain more varied protection for this invention, Applicant further amends claims 11, 16, 17, 22 and 25 to include the phrase "one of a triangular shape and trapezoidal shape" therein, and respectfully submits that the same is also patentable.

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. SERIAL NO. 09/883,998

ART UNIT 2839
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In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

A Petition for Extension of Time with appropriate fee accompanies this document. The USPTO is directed and authorized to charge all additional required fees (except the Issue Fee and/or the Publication Fee) to our Deposit Account No. 19-4880. Please also credit any overpayment to said Deposit Account.

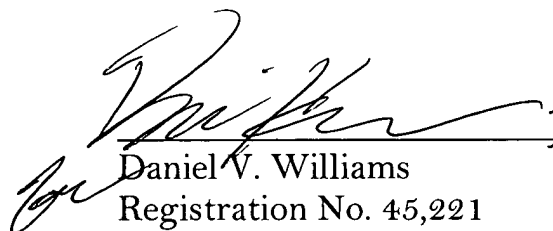
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